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Before The  
FEDERAL COMMUNICATIONS COMMISSION JUN 24 1996  
Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

MM Docket No. 96 - \_\_\_\_\_

In the Matter of )  
 )  
Amendment of Part 73 of the )  
Rules and Regulations to Establish )  
Event Broadcast Stations )  
 )  
To: The Commission )

RM - \_\_\_\_\_

DOCKET FILE COPY ORIGINAL

PETITION FOR RULE MAKING

Web SportsNet, Inc. ("Petitioner"), by its attorneys, and pursuant to Section 1.401 of the Rules and Regulations, herewith petitions the Commission to institute rule making to establish Event Broadcast Stations. In support, Petitioner shows the following:

1. The radio receiver pervades the American culture. Radios exist in virtually every vehicle and in almost every home. Manufacturers incorporate radios into hats, clothing, toys, flashlights, keychains, headphones, bathroom shower curtains, and goods of all shapes and sizes. A good quality radio can fit into a shirt pocket. The production cost for radios can run less than two dollars per unit.

2. AM and FM radio broadcasting are proven, inexpensive and compact transmission technologies. A

029  
MMB

device about the size of a personal computer can generate a radio broadcast signal.

3. Petitioner has found new uses for this tried and true technology. It has found new value, at virtually no cost to anyone else, in AM and FM signal transmissions, targeted at very specialized audiences located in discrete geographical areas. Petitioner has identified two reception service needs that traditional radio broadcast stations do not meet:

- a. **Event Broadcasting:** Persons attending an event, such as a tennis match, cannot turn on a radio to obtain information about what they are seeing.
- b. **Venue Broadcasting:** People regularly, frequently and in large numbers go to certain places such as an airport terminal, where it would be very helpful to be able to turn on a radio and obtain information about activities and services at that place.

At this time, Petitioner recommends that the Commission focus solely on Event Broadcasting in this rulemaking proceeding. After its experience with Event Broadcasting, then the Commission could proceed to create a Venue Broadcast service.

4. The Commission's rules and regulations do not provide for a service such as Event

Broadcasting. However, the Commission has authorized services resembling Event Broadcast Stations on a limited basis.

a The Commission granted a Special Temporary Authority ("STA") for the 1991 World Gymnastics Championships, organized and operated by the U.S. Gymnastics Federation and held September 7-15, 1991, in the Hoosier Dome in Indianapolis, Indiana. Wabash Valley Broadcasting Corporation, Ref. 8930-AJS (August 27, 1991). See Attachment 1.

b The Commission granted to Nassau Broadcasting Company (a broadcast station licensee), on behalf of the United States Tennis Association, an STA for operation of a low-power FM broadcast communications system during the 1992 U.S. Open Tennis Championship, in Flushing, New York. See Attachment 2.

c More recently, the Commission issued to Capital Broadcasting Systems, Inc. Experimental Radio Station authorization KF2XBF. See Attachment 3.<sup>1</sup>

5. These recent experiences confirm that Event Broadcast Stations unquestionably serve a very

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<sup>1</sup> The Commission originally granted the Experimental Radio Service authorization KF2XBF to Playfone Systems, Inc. The Commission thereafter, consented to the pro forma assignment of the KF2XBF license from Playfone Systems, Inc. to Capital Broadcasting Systems, Inc.

valuable public interest function. One can easily imagine that an inexpensive, readily-available communications system would greatly enhance any well-attended event -- major tennis and golf tournaments, professional sports games, the World Series, the Super Bowl, the Stanley Cup hockey games, the Summer and Winter Olympics, the annual Folk Life Festival, communications industry conventions, and political conventions, to name a few.

6. The experimentation to date has contemplated the filing of a petition for rule making. Petitioner now proposes the transition from experimentation to a permanent radio service.

#### **Program Origination**

7. Experimentation has identified various new, desirable broadcast services, for very well-defined audiences. These services have unquestionably desirable public interest benefits. The basic issue is for the FCC to authorize program origination on non-allocated or non-assigned AM and FM frequencies at power levels below those specified for licensed broadcast stations.

8. In MM Docket No. 88-140 the Commission declined to authorize program origination for FM translators. Amendment of Part 74 of the Commission's

Rules Concerning FM Translator Stations, 5 FCC Rcd.

7212, 7219, 68 RR 2d 705, 718-20 (1990). The Commission properly decided not to amend its rules for the FM translator/booster service to permit program origination. FM translators and boosters operate as adjuncts to full-service broadcast stations, to fill-in signal holes in the licensed service area or to extend, under certain conditions, the signal of an existing FM broadcast station.

9. Instead, in 1990, the Commission properly saw the issue of program origination as the creation of a new transmission service. The Commission suggested that the creation of a new transmission service involved the balancing of "program diversity" and "local service", which support the creation of a new transmission service, against "efficient broadcast station development" and "technical degradation to the overall broadcasting system".

10. The issue in 1990 was not whether program origination is good or bad or whether program origination serves or diserves the public interest. Program origination is obviously a good thing and serves the public interest. Instead, the issue was then, and is now a technical issue -- protection of existing broadcast stations from undesirable interference.

11. Petitioner submits that this issue is addressed, in part, by creating a new transmission service under Part 73 of the Rules and Regulations. Moreover, the issue is addressed by imposing on Event Broadcasters licensee and frequency coordination responsibilities. Petitioner proposes that the FCC issue broadcast band licenses for nationwide operation, subject to prior frequency coordination to avoid interference to existing full-service broadcast stations and to other Event Broadcast stations.

12. For a temporary service, a discrete, defining event or function provides the key to authorizing an Event Broadcast Station, temporally and geographically. For example, the U.S. Tennis Open extended over a two-week period of time, for a few hours each day, within the confines of the USTA National Tennis Center, Flushing, New York. When the tournament terminated, the radio service terminated.

13. Petitioner recognizes that the Commission cannot anticipate every conceivable temporary event or use. Some users might want to broadcast for a couple hours per day for a fixed period of time. Others might want to broadcast 24-hours a day for that same fixed period of time. Still others might want to broadcast at a distinct event, but whose termination date is not fixed. Given the wide variety

of potential "events", this could present a definitional challenge. Nevertheless, a distinct identifiable event is the key.

#### **AM and FM Frequency Bands**

14. Cost and simplicity dictate use of the AM and FM frequency bands. The public has easy access to conventional radio receivers at a very low price. We have reached the age of disposable radios. AM and FM broadcast transmission technology is well established, easily understood, and readily controllable. FM broadcasting is perhaps the easiest and least expensive over-the-air transmission technology -- an FM transmission system can be transported in a minivan and set up overnight.

15. Admittedly, some markets suffer from AM and FM frequency band congestion. Nevertheless, other less-conventional frequency bands suffer from the general lack of readily-available and inexpensive receivers.

16. The key to the success of Event Broadcasting is the use of conventional, inexpensive, everyday radio receivers that are readily available to the consumer public, which the listener can provide, which can be given away, or which can be purchased at a very low price.

17. To avoid interference, frequency coordination is required. Petitioner volunteers to serve as the Frequency Coordinating authority for the United States. There is an extensive body of experience as to how to select and identify the best frequencies to avoid interference to existing broadcast stations, and to make sure that the Event operations do not interfere with one another.

18. With regard to the FM band in particular, the Commission may want to consider authorizing use of Channel 200 (87.9 MHz) for use by Event Broadcast Stations. This channel is currently unused by full-service broadcast stations. Petitioner recognizes that operation on Channel 200 would require protection for Channel 6 TV broadcast stations.

#### **Power Limitations**

19. On first blush, one to ten watts of effective radiated power might seem adequate to do just about any job. However, the issue of power depends on the event. An event occurring in a confined area does not require a lot of power. However, an event occurring over many acres is a different matter.

20. The FCC has substantial experience with FM translators. Over time, the Commission concluded that higher permissible power levels were desirable and

enhanced the service. Furthermore, experience with unlicensed operation under Part 15 of the rules shows that power limitations can severely inhibit or limit communications activities.

21. Effective radiated power is probably the most significant technical limitation to Event Broadcast Stations.<sup>2</sup> Ultimately, the issue is not establishing a power limit for the sake of having a limit, but rather achieving adequate coverage of the Event while protecting full-service broadcast stations. There are means to control the potential of interference other than power limitations alone.

22. Nevertheless, the Commission may want to consider a graduated power level system, based on the premise of using the least practicable amount of power to do the job. Before increasing from one power level (i.e. one watt or less) to a higher power level (i.e. five watts or less), the licensee would have to make a good cause showing for additional power.

23. Part of the answer to concerns about the technical impact of Event Broadcast Stations lies in

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<sup>2</sup> The antenna height for most Event Broadcast Stations will very likely be low, because of the use of existing structures, mobile supporting towers, or simple poles. The height will be that required to clear vegetation and man-made obstacles. Thus, antenna height will not greatly enhance coverage. Thus, power, while only one of several variables that determine coverage, may be the most important variable.

issuing licenses to parties the Commission can hold accountable, and upon whom licensee responsibility is imposed.

**WHEREFORE**, Petitioner requests that the Commission adopt a Notice of Proposed Rule Making, proposing the creation of Event Broadcast Stations, and adopt a Report and Order amending Part 73 of the Rules and Regulations to create Event Broadcast Stations.

Respectfully submitted,

**WEB SPORTSNET, INC.**

by Harold K. McCombs, Jr.  
Harold K. McCombs, Jr.

Its Attorneys

June 24, 1996

**DUNCAN, WEINBERG, MILLER & PEMBROKE, P.C.**  
1615 M Street, N.W.  
Suite 800  
Washington, D.C. 20036  
(202) 467-6370  
FAX: 467-6379

**ATTACHMENT 1**

8  
FCC MAIL SECTION

Aug 28 9 03 AM '91

August 27, 1991

8930-AJS

Wabash Valley Broadcasting Corporation  
401 Pennsylvania Parkway, Suite 300  
Indianapolis, Indiana 46220

World Gymnastics Championships, 1991  
101 N. Washington Street  
Suite 1301  
Indianapolis, Indiana 46204

Re: Special Temporary Authority  
World Gymnastics Championships  
Indianapolis, Indiana

Gentlemen:

This concerns your June 17 and August 15, 1991 letters for a Special Temporary Authorization (STA) to operate a low power FM radio broadcast for spectators attending the 1991 World Gymnastics Championships to be held in the Hoosier Dome in Indianapolis, Indiana from September 7 through September 15, 1991.

The World Championships are organized and operated by the United States Gymnastics Federation, a not-for-profit corporation. The championship competition is being held in the Hoosier Dome where a daily crowd of 28,000 spectators is expected for each of the event sessions. The local organizing committee has requested the STA for the purpose of operating a low power FM broadcast station during the course of the World Gymnastics Championships. Reception will be by headsets provided by the individual user or by the local organizing committee.

Under 73.1635 of the Commission rules, STA's can only be granted to broadcast licensees. We are therefore granting this STA to Wabash Valley Broadcasting Corporation on behalf of the 1991 World Gymnastics Championships. Wabash Valley is authorized to operate on Channel 250, 99.9 MHz frequency at a power not to exceed 1 watt effective radiated power.

Wabash Valley and the World Championships Committee have confirmed that the purpose of the STA is limited to providing spectators at the World Championships with information relevant to the ongoing events. Thus, the content of the broadcasts will be limited to the dissemination of information only. No commercial announcements of any kind may be carried, including any requests for solicitations or contributions. Nor shall there be any charge for the service or for any information or messages heard over the STA station. Grant of this STA is further subject to the following conditions:

- (1) That a qualified engineer is on site during all times of broadcast.
- (2) That prior written approval is obtained from all co-channel and first adjacent channel users that are within 25 miles of the site of the broadcasts.

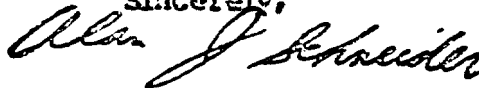
Wabash Valley Broadcasting Corporation

2.

- (3) That the use of the above frequency is contingent on a secondary, non-interfering basis and that Wabash Valley shall accept and shall not cause interference to authorized users in the Indianapolis area.
- (4) That the Commission reserves the right to terminate this authority prior to September 21, 1991 without further notice or hearing, or upon notification of actual interference to authorized users.

For further information please contact Tom English or Alan Schneider of the Auxiliary Services Branch at (202) 634-6307.

Sincerely,



Alan J. Schneider, Chief  
Auxiliary Services Branch  
Audio Services Division  
Mass Media Bureau

AJSchneider:cj/asb/anb/amb

typed: 8-27-91

**ATTACHMENT 2**

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

26 AUG 1992

IN REPLY REFER TO  
1800B4-RCC

Harold K. McCombs, Jr.  
Holland & Knight  
388 Seventeenth Street, N.W.  
Suite 900  
Washington, D.C. 20006

In re: Nassau Broadcasting Company  
Request for STA  
U.S. Open Tennis Championship  
Flushing, New York

Dear Mr. McCombs:

This concerns the July 17, 1992, request of Nassau Broadcasting Company ("Nassau") for Special Temporary Authority ("STA") to operate a low power FM communications system in connection with the United States Open Tennis Championship ("U.S. Open"), to be held August 31 through September 13, 1992 in Flushing, New York. The original request was supplemented on July 31, August 4, and August 19. For the reasons presented below, we will conditionally grant Nassau's request.

The U.S. Open is organized and operated by the United States Tennis Association, Inc. ("USTA"), a non-profit organization. The tournament, which will be held at the USTA National Tennis Center, Flushing, New York, is expected to draw more than 600,000 spectators from around the world. Nassau requests the STA to serve a number of purposes. However, we will consider only those parts of the STA request designed to facilitate the general public's understanding of ongoing events, the sport of tennis, and the U.S. Open. The USTA supports Nassau's request. Since 47 C.F.R. § 73.1635 limits grants of STA's to broadcast licensees, the instant STA will vest in Nassau, and not the USTA.

Nassau has shown that the beneficiary of the STA (USTA) is a non-profit organization; the authorized power will be limited to one watt ERP or less; the communications system will operate for a limited time; there is no indication of potential interference to any nearby co-channel, first-adjacent channel or IF-channel station; and the communications system will enhance the understanding of the activities at the event. You are advised that grant of the instant STA is without prejudice to any future action the Commission might take in this area.

Nassau is authorized to operate on Channel 248, 97.5 MHz, at a power not to exceed 1 watt ERP. The applicant will use a Harris, THE-1 transmitter. The transmitting antenna will be a Scala, Model FMC, single bay dipole, with a power gain of -3dB. The transmission line will be an Andrew LDF 4-50, one meter in length. The precise coordinates of the transmitter site are 40,45,04 N/73,50,39 W. There is no indication of any co-channel, first-adjacent channel, or IF-channel station interference within twenty-five miles of the proposed transmitter site. The overall supporting structure height will be 3 meters above ground and the elevation will be 1 meter. The Height Above

Average Terrain will be 8 meters, and the Height Above Mean Sea Level will be 4 meters.

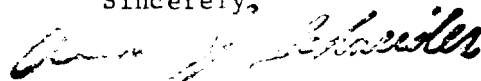
The STA will allow Nassau to provide commentary on the events as they proceed, biographical information with respect to the participants, and scoring information for the match the spectators are watching, as well as for other events simultaneously occurring. The communications system is not to be used for ancillary matters such as to assist with traffic control beyond the confines of the stadium or to provide information regarding services and facilities at the tournament site. No commercial announcements of any kind may be carried, including any requests for solicitations or contributions. Nor shall there be any charge for the service nor for any information or messages heard over the communications system. Reception will be by headsets provided by the individual user or by tournament sponsors at no charge to the spectators. Grant of this STA is further subject to the following conditions:

- (1) That a qualified engineer is on site during all times of broadcast;
- (2) That prior written approval is obtained from all co-channel and first adjacent channel users that are within 25 miles of the site of the broadcasts;
- (3) That use of the above frequency is contingent on a secondary non-interference basis and that Nassau shall accept and shall not cause interference to authorized users in the Flushing, New York area; and
- (4) That the Commission reserves the right to terminate this authority prior to September 13, 1992, without further notice or hearing, or upon notification of actual interference to authorized users.

Accordingly, Special Temporary Authority to operate a low power FM radio broadcast in connection with the U.S. Open Tennis Championship IS GRANTED to Nassau Broadcasting Company, on behalf of the United States Tennis Association, Inc., subject to the terms and conditions described herein.

For further information you may contact the Auxiliary Services Branch at (202) 634-6307.

Sincerely,



Alan J. Schneider, Chief  
Auxiliary Services Branch  
Audio Services Division  
Mass Media Bureau

**ATTACHMENT 3**

101 EAST 52ND ST., 9TH FLOOR, NEW YORK, NY 10022

United States of America  
FEDERAL COMMUNICATIONS COMMISSION  
EXPERIMENTAL  
RADIO STATION CONSTRUCTION PERMIT  
AND LICENSE

EXPERIMENTAL  
(Nature of Service)

XD MO  
(Class of Station)

KF2XBF  
(Call Sign)  
3735-EX-R-95  
(File Number)

NAME CAPITAL BROADCASTING SYSTEMS, INC.

See Below  
(Location of Station)

Subject to the provisions of the Communications Act of 1934, subsequent acts, and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions and requirements set forth in this license, the licensee hereof is hereby authorized to use and operate the radio transmitting facilities hereinafter described for radio communications.

Frequency	Class	Emission	Authorized
	Stn	Designator	Power watts

See Attached Page 2

Station Location:

US  
Area Of Operation: MOBILE: UNITED STATES, VIRGIN ISLANDS  
AND PUERTO RICO

Operation: In accordance with Sec. 5.202(h) of the Commission's Rules.

Special Conditions:

See Attached Page 2

This authorization effective July 1, 1995 and  
will expire 3:00 A.M. EST July 1, 1997

FEDERAL  
COMMUNICATIONS  
COMMISSION



## CAPITAL BROADCASTING SYSTEMS, INC.

KF2XBF

Page 2

3735-EX-R-95

## Special Conditions:

(1) In lieu of frequency tolerance, the occupied bandwidth of the emission shall not extend beyond the band limits set forth above.

(2) Licensee is required to file a PROGRESS REPORT every 6 months from the date of grant. This progress report shall be filed with FCC, Experimental Licensing Branch, Suite 230, 2000 M St., Washington, D.C. 20554

(3) The Licensee shall ensure frequencies are not in use in the area prior to conducting any operations.

Frequency KHz	Class Stn	Emission Designator	Authorized Power watts
530.00000-			
1705 00000	MO	6K00A3E	40W (ERP)
MHz			
54.00000-			
72 00000	MO	180KF3E	10W (ERP)
76.00000-			
88.00000	MO	180KF3E	10W (ERP)
88.10000-			
107.90000	MO	180KF3E	10W (ERP)
174.00000-			
216.00000	MO	180KF3E	10W (ERP)
450.00000-			
451.00000	MO	180KF3E	30W (ERP)
	MO	25K0F3E	30W (ERP)
455.00000-			
456.00000	MO	180KF3E	30W (ERP)
	MO	25K0F3E	30W (ERP)

United States of America  
FEDERAL COMMUNICATIONS COMMISSION  
EXPERIMENTAL  
RADIO STATION CONSTRUCTION PERMIT  
AND LICENSE

EXPERIMENTAL

(Nature of Service)

K F 2 I B F

(Call Sign)

ID MO

(Class of station)

3735-EX-PL-93

(File number)

NAMEPLAYPHONE SYSTEMS, INC.Mobile: United States, Virgin Islands and Puerto Rico

(Location of station)

Subject to the provisions of the Communications Act of 1934, subsequent acts, and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions and requirements set forth in this license, the licensee hereof is hereby authorized to use and operate the radio transmitting facilities hereinafter described for radio communications.

Frequency	Authorized Power (watts)	Emission Designator
530-1705 KHz	40 (ERP)	6K00A3E
88.1-107.9 MHz	10 (ERP)	180KF3E
54-72 MHz	10 (ERP)	180KF3E
76-88 MHz	10 (ERP)	180KF3E
174-216 MHz	10 (ERP)	180KF3E
450-451	30 (ERP)	16K0F3E/25K0F3E
455-456	30 (ERP)	16K0F3E/25K0F3E

In lieu of frequency tolerance, the occupied bandwidth of the emission shall not extend beyond the band limits set forth above.

Operation: In accordance with Sec. 5.202(h) of the Commission's Rules.

## Special Condition:

1. The Licensee shall ensure frequencies are not in use in the area prior to conducting any operations.
2. Licensee is required to file a progress report of experimentation carried out every 6 months from the date of grant. This report shall be filed with the FCC, Room 7326, Washington, DC 20554.

This authorization effective September 3, 1993 and  
will expire 3:00 A.M. EST July 1, 1995

FEDERAL  
COMMUNICATIONS  
COMMISSION